

## NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

July 28, 2006

The Nebraska Commission on Law Enforcement and Criminal Justice met Friday, July 28, 2006 at 9:30 a.m. in Lower Level Conference Room A of the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Legal notice of the meeting was published July 15, 2006 in the Lincoln Journal Star.

### I. CALL TO ORDER

The meeting was called to order at 9:34 a.m. by Chairman Jon Bruning. The following members were **in attendance**: Chair Jon Bruning, Scott Arnold, Charles Brewster, William Brueggemann, Charles Headley, Robert Houston, Peter Pirsch, James Riskowski, Bryan Tuma, Thomas Warren and William White. **Members excused**: Scot Ford, Susan Jacobs, Gary Lacey, Paul Leseberg, Kathy Moore and Don Overman. **Staff present**: Mike Behm, Rick Barnica, Nancy Steeves, Bruce Ayers, Monica Miles-Steffens, Jennifer Kirkpatrick, Mike Overton, Denny Macomber, Stephanie Vensky and Sarah Schoen. **Others present**: Charles Lowe (Attorney General's Office), Mr. and Mrs. William Muldoon, Sheriff Terry Wagner (Lancaster County) and Michael Tye (Kearney City Attorney).

### II. APPROVAL OF MINUTES

#### *Motion*

*A motion was made by Warren and seconded by White to approve the minutes of the Crime Commission meeting of May 5, 2006; Nebraska Coalition for Juvenile Justice meeting of June 9, 2006; Crime Commission Grant Review Committee meeting of July 7, 2006; and the Police Standards Advisory Council meetings of April 19, May 31 and June 21, 2006. The motion passed unanimously by acclamation.*

The minutes of the Jail Standards Board meetings of April 21, 2006, and the Community Corrections Council meetings of May 19 and June 23, 2006 were provided for the member's review.

### III. PUBLIC HEARING FOR THE REVOCATION OF LAW ENFORCEMENT CERTIFICATION OF JESSE G. HOUP, #LR-028-03, NORTH PLATTE POLICE DEPARTMENT

Charles Lowe, Assistant Attorney General, represented the State of Nebraska in the revocation of Jesse Houpt's law enforcement certification. No counsel was present for Mr. Houpt. Lowe stated that, the purpose of today's hearing is to review and consider approval of the Police Standards Advisory Council's (PSAC) decision to revoke the law enforcement certificate of Jesse Houpt. The PSAC arrived at this decision at their June 23, 2006 meeting (Correct date of completion was June 21, 2006). Lowe provided the following information about the incident leading to this action. In April 2002, Houpt was a certified law enforcement officer employed by the North Platte Police Department. While off duty, Mr. Houpt was involved in a motor vehicle accident in which two other individuals were killed. He was subsequently convicted on two counts of motor vehicle homicide in a jury trial and was sentenced to intensive supervised probation for four years, with some jail time both before and after the probation period. He appealed this decision. However, his conviction and sentence were affirmed by the Nebraska Court of Appeals. On this basis a complaint was filed against him to revoke his law enforcement certificate.

Lowe explained that the Administrative Record for Mr. Houpt is divided into four exhibits. Exhibit one is the Administrative Bill of Exceptions which includes the PSAC hearing minutes, exhibits presented at the hearing and agency records pertaining to the revocation process. The PSAC's meeting minutes indicate where the public hearing begins. There were seven exhibits in total which were entered as evidence at the Hearing. Mr. Houpt did not attend the hearing nor did anyone representing Mr. Houpt. Exhibit two is the Administrative Transcript which primarily shows what occurred, the formal complaint that was filed, and the findings, facts and conclusions of the PSAC. Exhibit 3 is an affidavit from Kay Fielding. This affidavit shows how service was obtained on Mr. Houpt. It indicates this meeting was going to be held; it gave him the results of the PSAC's meeting; and it stated he could attend this meeting as well. Exhibit four is the Affidavit of Publication showing the decertification hearing was being held at this meeting. Lowe next offered exhibits 1-4 to be admitted into the administrative record. This was completed.

Lowe next presented his closing argument. He stated, the exhibits in the file show and the PSAC found, that while he was a certified law enforcement officer employed by the North Platte Police Department, Jesse Houpt engaged in conduct which resulted in the death of two other individuals. The evidence also shows Mr. Houpt was convicted of and sentenced on two counts of motor vehicle homicide arising out of the accident he caused. The Judge's sentencing order, which is found in the Administrative Bill as part of Exhibit five, suggests Mr. Houpt was having or may still have an alcohol abuse problem. He was ordered not to consume any alcohol while on probation and undergo testing for alcohol consumption. The judge also gave him a 60 day suspended license which is required by Section 28-306.3b. The conduct engaged in by Mr. Houpt that resulted in his convictions is clearly intolerable in a sworn law enforcement officer. A law enforcement officer who drives under the influence of alcohol or drugs or in any other reckless manner and is convicted of or resulting in motor vehicle homicide is most certainly incompetent to perform his duties and to serve as a model of law abiding citizenship. Such conduct also shows he lacks the mental and emotional capacity necessary to fulfill the responsibilities of a law enforcement officer. Therefore, as determined by the PSAC, under the Nebraska Revised Statute Section 14-036, revocation of Mr. Houpt's law enforcement certificate is fully warranted, and we ask the Commission to review and approve that decision.

### ***Motion***

***A motion was made by Brewster and seconded by White to revoke the law enforcement certification of Jesse G. Houpt. Voting in favor of the motion: Arnold, Brewster, Brueggemann, Headley, Houston, Pirsch, Riskowski, Tuma, Warren and White. Motion carried unanimously.***

## **IV. EXECUTIVE DIRECTOR'S REPORT**

Mike Behm presented his Executive Director's report noting the following:

- An Attorney General's opinion was requested as to whether or not the Nebraska Law Enforcement Training Center is obligated to provide initial training to jail personnel. Such initial training is required in the Standards for Jail Facilities issued by the Nebraska Jail Standards Board. According to the opinion letter received from the Attorney General's Office, "The Training Center is *not* bound to provide the [Initial] [T]raining based on the requirements of the Title 81 Standards." A copy of the Attorney General's Opinion letter was included in the original mail-out for members to review.

- A membership listing of the Crime Commission Board was provided to the Board members. Any changes or corrections are to be submitted to Sarah or Stephanie.
- An organization chart of the Crime Commission staff was also provided for the Board members' information.
- Barbara McCreight has been unable to return full-time to work due to her illness. Behm asked that members continue to keep her in their thoughts.

## V. OLD BUSINESS

### A. Douglas A. McCarty Case Report

Mike Behm reported that a copy of the completed case report was provided in the original mail-out. Based on this report, Behm recommended the case against Douglas McCarty be considered closed with no further action taken against Mr. McCarty by the Crime Commission.

#### *Motion*

*A motion was made by Brewster and seconded by White that the matter of the investigation of revoking the law enforcement certification of Douglas A. McCarty by this Commission be closed for the reason that the allegations made against him by Officer Teresa L. Sesna of the Kearney Police Department and Tami J. Sculley have been determined to be totally unfounded after a complete investigation of the allegations by this Commission. Further, that a letter from the Executive Director of this Commission be sent to the Kearney Police Department showing these findings and this motion for placement in the personnel file of Officer Douglas A. McCarty. Voting in favor of the motion: Arnold, Brewster, Brueggemann, Houston, Pirsch, Riskowski, Tuma, Warren and White. Abstaining from the motion: Headley. Motion carried.*

### B. Task Force Resolution

Chairman Bruning reported that Mike Behm and Nancy Steeves put together a Task Force Resolution as requested by the Commission at its last meeting. The Resolution read as follows.

**WHEREAS**, illegal drugs, specifically methamphetamine at this point and time is a serious threat to the citizens of Nebraska; and

**WHEREAS**, since 1990, statewide drug and violent crime task forces have been in operation; and

**WHEREAS**, the Crime Commission recognizes the success of the multi-jurisdictional task forces and its impact on illegal drugs; and

**WHEREAS**, illegal drug traffic crosses City, County and State boundaries;

**THEREFORE**, be it resolved that the members of the Nebraska Crime Commission hereby issue this resolution to support continued operations of multi-jurisdictional drug and violent crime task forces in Nebraska.

Presented on behalf of the Crime Commission, July twenty-eighth in the year of our Lord, two thousand six."

Bruning stated that Senator Mike Flood fought extremely hard for the additional funding for the Task Forces. It appears Senator Mike Flood will be the Speaker of the Legislature next session.

### ***Motion***

*A motion was made by Warren and seconded by Brewster to accept the Resolution as read. Voting in favor of the motion: Arnold, Brewster, Brueggemann, Headley, Houston, Pirsch, Riskowski, Tuma, Warren and White. Motion carried unanimously.*

The Crime Commission recommended the Resolution be provided to the following officials with a letter from the Executive Director stating the Crime Commission fully supports this issue after the November elections.

1. Members of the Legislature
2. Members of the Federal Delegation
3. Posted on the Crime Commission Website

### ***Motion***

*A motion was made by Bruning and seconded by Brewster to post this Resolution on the Crime Commission website, mail the Resolution to the members of Legislature, and Nebraska's Federal Delegation after the November elections. The motion passed unanimously by acclamation.*

#### **C. Discussion of Training Center Instructors Becoming Full-Time Sworn Officers**

Behm reported that at the last Commission meeting, a discussion began on the Training Center Instructors becoming full-time sworn officers. It was suggested the discussion continue on this issue during today's meeting. However, Behm recommended this issue be tabled until the new Training Center Director is hired and has time to become familiarized with the policies and procedures of the Training Center.

### ***Motion***

*A motion was made by Brueggemann and seconded by Headley to table this discussion on the Training Center Instructors becoming sworn officers until the new Training Center Director has been hired and has had time to become familiarized with the policies and procedures of the Training Center. Voting in favor of the motion: Arnold, Brewster, Brueggemann, Headley, Houston, Pirsch, Riskowski, Tuma, Warren and White. Motion carried unanimously.*

## **VI. NEW BUSINESS**

### **A. Nebraska Law Enforcement Training Center**

#### **1. Instructor Certifications**

The Crime Commission next considered two requests for general instructor certification, three requests for professional instructor certification, and three requests for professional instructor recertification. PSAC's recommendations were reported by Charles Headley.

## *Motion*

*A motion was made by Tuma and seconded by Warren to grant the following instructor certifications per Police Standards Advisory Council's recommendations: General Instructor Certifications to James M. Brady, Omaha Police Department and Todd N. Petrick, Omaha Police Department; Professional Instructor Certifications to Kelly Kolb, Nebraska State Patrol, Calvin J. Quinn, Lincoln Police Department and William E. Shaw, Omaha Police Department; Professional Instructor Recertifications to Jud A. McKinstry, Nebraska State Patrol, Catherine Milone, Omaha Police Department and David Staskiewicz, Omaha Police Department. Voting in favor of the motion: Arnold, Brewster, Brueggemann, Headley, Houston, Pirsch, Riskowski, Tuma, Warren and White. Motion carried unanimously.*

### **2. Lincoln Police Academy Inspection**

Charles Headley reviewed the recommendations of the Police Standards Advisory Council on the inspection of the Lincoln Police Academy.

## *Motion*

*A motion was made by White and seconded by Tuma to approve the inspection of the Lincoln Police Academy as per Police Standards Advisory Council's recommendation. Voting in favor of the motion: Arnold, Brewster, Brueggemann, Headley, Houston, Pirsch, Riskowski, Tuma, Warren and White. Motion carried unanimously.*

### **3. Nebraska Law Enforcement Training Center Academy Inspection**

Charles Headley reviewed the recommendations of the Police Standards Advisory Council on the inspection of the Nebraska Law Enforcement Training Center Academy.

## *Motion*

*A motion was made by Arnold and seconded by Brueggemann to approve the inspection of the Nebraska Law Enforcement Training Center Academy as per Police Standards Advisory Council's recommendation. Voting in favor of the motion: Arnold, Brewster, Brueggemann, Headley, Houston, Pirsch, Riskowski, Tuma, Warren and White. Motion carried unanimously.*

### **B. Award of 2006 Federal Victims of Crime Act (VOCA) Grant Funds and State General Appropriations - \$2,585,909.00**

Kirkpatrick stated that the funds available for victim service programs total \$2,585,909. This amount includes \$3,500 in federal 2004 VOCA funds, \$52,559 in state general funds and \$2,529,850 in 2006 federal VOCA funds. Forty-two applications were received by the Commission. Of the forty-two applications, one was for a new program. The Grant Review Committee recommended denying one application which did not provide clear and concise information about the proposed project and did not meet the required federal guidelines. It was recommended that the applicant contact Kirkpatrick for technical assistance. The applicant was informed about the appeal process, but an appeal was not received.



# Motion

*A motion was made by Tuma and seconded by Arnold to accept the funding recommendations for and contingency stipulations of award as outlined by the Grant Review Committee for the \$2,585,909.00 which includes \$2,529,850 in 2006 Victims of Crime Act (VOCA) Grant Funds, \$3,500 in 2004 VOCA funds and \$52,559 in state general funds as follows:*

<u>Number</u>	<u>Agency/Title/ Previous Award</u>	<u>Amount Req.</u>	<u>Staff Rvw. Comm. Recom</u>	<u>Grant Rvw. Comm. Recom</u>
06-VA-200	Scotts Bluff Co. Atty's Office-Gering (Victim/Witness Unit) (\$34,000)	\$34,800.00	\$34,800.00	\$34,800.00
06-VA-201	SCIP-Ogallala (Victim Assistance) (\$48,072)	\$65,319.00	\$50,000.00	\$50,000.00
06-VA-202	Lincoln Co. Atty's Office-North Platte (Victim Witness Unit) (\$37,000)	\$39,146.00	\$37,000.00	\$37,000.00
06-VA-203	Lincoln/Lancaster Co. Child Advocacy Ctr.-Lincoln (Child Advocacy Ctr.) (\$20,558)	\$31,439.31	\$25,516.00	\$25,516.00
06-VA-204	Platte Co. Atty's Office-Columbus (Victim Assistance Unit) (\$34,965)	\$34,965.00	\$34,965.00	\$34,965.00
06-VA-205	Sarpy County V/W Unit-Papillion (Sarpy Co. Victim Asst.) (\$90,750)	\$166,563.00	\$117,381.00	\$127,381.00
06-VA-206	Family Rescue Services-Chadron (DV/SA Services Program) (\$40,000)	\$54,889.00	\$46,000.00	\$46,000.00
06-VA-207	Scotts Bluff Co. DV Task Force-Gering (DOVES) (\$45,000)	\$62,777.00	\$47,000.00	\$47,000.00
06-VA-208	Box Butte Co. Atty's Office-Alliance (Victims Rights Unit) (\$17,158)	\$16,494.00	\$16,494.00	\$16,494.00
06-VA-209	City of Beatrice-Beatrice (Victim Assistance Program) (\$38,000)	\$39,964.00	\$39,964.00	\$39,964.00
06-VA-210	Dawson Co. Atty's Office-Lexington (V/W Assistance Unit) (\$29,550)	\$30,000.00	\$30,000.00	\$30,000.00
06-VA-211	Project Response, Inc.-Auburn (DV/SA Program) (\$54,000)	\$65,095.00	\$58,000.00	\$58,000.00
06-VA-212	Haven House Family Services Ctr.-Wayne (Continuation of Victim Services) (\$44,000)	\$45,899.00	\$45,000.00	\$45,000.00
06-VA-213	Madison Co. Atty's Office-Madison (Victim/Witness Unit) (\$32,000)	\$32,000.00	\$32,000.00	\$32,000.00
06-VA-214	Douglas Co. Atty's Office-Omaha (Omaha/Douglas Co. Victim Asst.) (\$380,273)	\$416,732.00	\$397,000.00	\$397,000.00
06-VA-215	Rape/Domestic Abuse Program-North Platte (Rape/Domestic Abuse Program) (\$59,500)	\$63,676.00	\$61,500.00	\$61,500.00
06-VA-216	Parent-Child Center-Lexington (Continuation of Direct Services) (\$57,000)	\$75,872.00	\$60,000.00	\$60,000.00
06-VA-217	Dodge County-Fremont (Victim Services) (\$10,300)	\$16,793.00	\$15,600.00	\$15,600.00
06-VA-218	Adams Co. Atty's Office-Hastings (Victim/Witness Unit) (\$30,000)	\$36,724.00	\$30,000.00	\$30,000.00

06-VA-219	Catholic Charities-Omaha (The Shelter/Family Passages Child Abuse Victim Asst.) (\$34,375)	\$34,375.00	\$34,375.00	\$34,375.00
06-VA-220	City of So. Sioux City-So. Sioux City (Dakota Co. Victim Asst. Program) (\$33,983)	\$36,383.00	\$35,000.00	\$35,000.00
06-VA-221	City of Kearney-Kearney (Crime Victim Asst. Program) (\$55,000)	\$57,080.00	\$56,500.00	\$56,500.00
06-VA-222	Center for SA/DV Survivors-Columbus (Victim Service & Outreach Project) (\$40,000)	\$42,000.00	\$40,000.00	\$40,000.00
06-VA-223	DA/SA Services-McCook (DASAS Victim Assistance) (\$45,000)	\$50,486.00	\$49,000.00	\$49,000.00
06-VA-224	Crisis Center, Inc.-Grand Island (SA/DV Services) (\$86,502)	\$127,723.00	\$88,022.00	\$88,022.00
06-VA-225	Bright Horizons-Norfolk (Domestic & Sexual Violence Victim Asst. Program) (\$51,500)	\$95,855.00	\$51,500.00	\$51,500.00
06-VA-226	SASA Crisis Center-Hastings (SASA Advocacy Project) (\$62,700)	\$65,689.00	\$62,700.00	\$62,700.00
06-VA-227	NE CASA Assc.-Lincoln (CASA Volunteer Training) (\$8,000)	\$10,618.00	\$9,000.00	\$9,000.00
06-VA-228	City of David City-David City (Butler/Polk Co. Victim Asst.) (\$22,255)	\$27,997.00	\$25,000.00	\$25,000.00
06-VA-229	BVCAP-Fairbury (Victim & Family Support) (\$91,000)	\$116,874.00	\$94,000.00	\$94,000.00
06-VA-230	Heartland Family Service-Bellevue (Heartland Family Service) (\$40,600)	\$40,600.00	\$40,600.00	\$40,600.00
06-VA-231	CEDARS Youth Services-Lincoln (CEDARS Family Violence Services) (\$23,000)	\$23,000.00	\$23,000.00	\$23,000.00
06-VA-232	The S.A.F.E. Center-Kearney (Advocates for Victims of Domestic & Sexual Violence) (\$50,000)	\$57,723.00	\$54,000.00	\$54,000.00
06-VA-233	Lincoln Police Dept.-Lincoln (Victim/Witness Unit) (\$132,867)	\$146,824.00	\$135,000.00	\$135,000.00
06-VA-234	Friendship Home-Lincoln (Domestic Violence Shelter) (\$85,000)	\$105,148.00	\$88,000.00	\$88,000.00
06-VA-235	Crisis Center for DA/SA-Fremont (Rural Outreach Program) (\$40,000)	\$47,778.00	\$42,000.00	\$42,000.00
06-VA-236	Seward County-Seward (Victim Advocate Services of Seward Co.) (\$0)	\$12,641.00	\$10,000.00	\$0
06-VA-237	City of Grand Island-Grand Island (G.I./Hall County Victim Asst. Program) (\$30,000)	\$44,009.00	\$35,000.00	\$35,000.00
06-VA-238	YWCA-Omaha (WAV-CISS for Crime Victims) (\$128,000)	\$145,725.00	\$135,000.00	\$135,000.00
06-VA-239	Rape/Spouse Abuse Crisis Ctr.-Lincoln (DV/SA Advocacy Project) (\$80,000)	\$92,508.00	\$82,000.00	\$82,000.00
06-VA-240	NE DV/SA Coalition-Lincoln (Statewide DV Case Management Software) (\$0)	\$22,000.00	\$22,000.00	\$22,000.00
06-VA-241	NE Crime Commission-Lincoln (VINE Operations VII) (\$221,751)	\$219,802.00	\$195,992.00	\$195,992.00
<b>TOTALS</b>		<b>\$2,951,985.31</b>	<b>\$2,585,909.00</b>	<b>\$2,585,909.00</b>

*Voting in favor of the motion: Arnold, Brewster, Brueggemann, Headley, Houston, Pirsch, Riskowski, Tuma, Warren and White. Motion carried unanimously.*

**C. Award of 2005 Deobligated Violence Against Women Act (VAWA) Grant Funds to the Attorney General's Office - \$16,000.00**

Kirkpatrick stated there is \$16,000.00 of the 2005 VAWA funds that were deobligated from the North Platte VAWA grant because they were unable to use funds for a prosecutor position. As per Federal guidelines, the \$16,000.00 must be used for prosecution. The Attorney General's Office is best equipped to use this money within their current funded VAWA statewide training program.

***Motion***

*A motion was made by White and seconded by Arnold to accept the funding recommendations and contingency stipulations as outlined for the deobligated 2005 Violence Against Women Act (VAWA) Grant Funds of \$16,000 and that the \$16,000 be awarded to the Attorney General's Office. Voting in favor of the motion: Arnold, Brewster, Brueggemann, Headley, Houston, Pirsch, Riskowski, Tuma, Warren and White. Motion carried unanimously.*

**D. Award of 2005 Juvenile Justice and Delinquency Prevention Title V Formula Grant Funds - \$95,000.00**

Miles-Steffens reviewed the funds available under the 2005 Juvenile Justice and Delinquency Prevention, Title V formula grant program. She stated in previous years there was approximately \$250,000 available from the Title V grant program. The money is dwindling, and as a result, the Juvenile Justice Coalition decided to focus the use of this money on programs that address disproportionate minority contact in their local systems.

***Motion***

*A motion was made by Headley and seconded by Brewster to accept the Coalition's funding recommendations and contingency stipulations of award as outlined for the 2005 Juvenile Justice and Delinquency Prevention Title V formula grant funds in the amount of \$95,000.00 as follows:*

<u>Number</u>	<u>Agency—City</u> <u>(Program Title) (2004 Award)</u>	<u>Amount</u> <u>Requested</u>	<u>Amount</u> <u>Recommended</u>
05-JP-30	City of Omaha-Omaha (Awareness Campaign to Increase Attendance at Court Appearances) (\$0)	\$10,375.00	\$5,000.00
05-JP-31	Dawes County Juvenile Services-Chadron (Circle of Courage) (\$75,000)	\$75,000.00	\$75,000.00
05-JP-32	Lancaster County-Lincoln ("Where Do I Belong?" DMC Project) (\$0)	\$15,000.00	\$15,000.00
05-JP-33	Cherry County-Valentine (Electronic Monitoring) (\$0)	\$30,908.00	\$0
	<b><i>TOTAL</i></b>	<b><i>\$131,283.00</i></b>	<b><i>\$95,000.00</i></b>

*Voting in favor of the motion: Arnold, Brewster, Brueggemann, Headley, Houston, Pirsch, Riskowski, Tuma, Warren and White. Motion carried unanimously.*



**E. Award of 2005 Juvenile Accountability Block Grant (JABG) Funds - \$401,945.00**

Miles-Steffens reviewed the funds available under the 2005 Juvenile Accountability Block Grant (JABG) Funds. It is to be noted that the federal government determines the amount of funds to be awarded to individual counties and to the state based on a specific formula. Hall County continues to use their funds for their diversion and probation intake area. Omaha continues to use their funds for the electronic monitoring program and their JABG MIS system. The state share of this money is awarded to the Crime Commission to be used towards CJIS and juvenile projects currently being incorporated into CJIS. Sarpy County continues to use their funds for drug court, and Lancaster County continues to use their funds for graduated sanction programs.

***Motion***

***A motion was made by Warren and seconded by Tuma to accept the Coalition's funding recommendations and contingency stipulations of award as outlined for the \$401,945.00 of 2005 Juvenile Accountability Block Grant (JABG) funds as follows:***

<b>Number</b>	<b><u>Agency—City</u> <u>(Program Title) (2004 Award)</u></b>	<b>Amount Requested</b>	<b>Amount Recommended</b>
05-JA-600	Hall County-Grand Island (Operation Impact) (\$0)	\$10,356.00	\$10,356.00
05-JA-601	City of Omaha-Omaha (City of Omaha/Douglas Co. Juvenile Acct. Block Grant Phase 8) (\$127,994)	\$114,545.00	\$114,545.00
05-JA-602	Nebraska Crime Commission-Lincoln (Statewide Juvenile Data Sharing) (\$223,462)	\$188,866.00	\$188,866.00
05-JA-603	Sarpy County-Papillion (Sarpy Co. Juvenile Drug Treatment Court) (\$19,504)	\$16,133.00	\$16,133.00
05-JA-604	City of Lincoln/Lancaster Co.-Lincoln (Block Grant Program) (\$71,360)	\$72,045.00	\$72,045.00
	<b>TOTAL</b>	<b>\$401,945.00</b>	<b>\$401,945.00</b>

***Voting in favor of the motion: Arnold, Brewster, Brueggemann, Headley, Houston, Pirsch, Riskowski, Tuma, Warren and White. Motion carried unanimously.***

**F. Award of 2006 Juvenile Justice County Aid Grant Funds - \$1,328,973.00**

Miles-Steffens reviewed the funds available under the 2006 Juvenile Justice County Aid Grand Funds. She stated this is the second year this program has been administered by the Commission. Several counties did not apply for the funds and therefore, approximately \$150,000 of the county aid funds was not requested. Out of ninety-three counties, forty-eight counties applied for funding. The bulk of the counties with the largest amounts of money available requested their funds. Many of the smaller counties are only allocated \$400-\$500. Crime Commission staff is currently working with these counties to assist them in working together and apply regionally. Four new counties applied this year. The funds are awarded to counties based on a juvenile population formula.

***Motion***

***A motion was made by Headley and seconded by Houston to accept the Coalition's funding recommendations and contingency stipulations of award as outlined for the \$1,328,973.00 of 2006 Juvenile Justice County Aid Grant Funds as follows:***

<u><b>Number</b></u>	<u><b>Agency—City</b></u> <u><b>(Program Title) (2005 Award)</b></u>	<u><b>Amount</b></u> <u><b>Requested</b></u>	<u><b>Amount</b></u> <u><b>Recommended</b></u>
06-CA-500	Sherman County-Loup City (Sherman Co. Youth Prevention & Diversion) (\$2,870)	\$2,870.00	\$2,870.00
06-CA-501	Garfield County-Burwell (Garfield, Loup & Wheeler Counties) (\$3,330)	\$3,300.00	\$3,330.00
06-CA-502	Cuming County-West Point (Cuming County Diversion) (\$9,802)	\$9,802.00	\$9,802.00
06-CA-503	Phelps County-Holdrege (\$21,676)	\$21,676.00	\$21,676.00
06-CA-504	Box Butte County-Alliance (Boys & Girls Club) (\$12,132)	\$12,132.00	\$12,132.00
06-CA-505	Otoe County-Nebraska City (Otoe Co. Juvenile Services Program) (\$13,913)	\$13,913.00	\$13,913.00
06-CA-506	Gage County-Beatrice (Community Service Coordinator) (\$19,387)	\$19,387.00	\$19,387.00
06-CA-507	Holt County-O'Neill (Holt Co. Three Year Comprehensive Juvenile Services Plan) (\$11,729)	\$11,729.00	\$11,729.00
06-CA-508	Chase County-Imperial (Chase County Juvenile Services) (\$3,958)	\$3,958.00	\$3,958.00
06-CA-509	Lincoln County-North Platte (Community Connections Lincoln Co. 2006-2007 County Juvenile Services Aid) (\$30,745)	\$30,745.00	\$30,745.00
06-CA-510	Knox County-Center (Knox County Juvenile Services) (\$8,666)	\$8,666.00	\$8,666.00
06-CA-511	Butler County-David City (Butler County Juvenile Services Program) (\$8,835)	\$8,835.00	\$8,835.00
06-CA-512	Garden County-Oshkosh (After School Program) (\$0)	\$2,015.00	\$2,015.00
06-CA-513	Colfax County-Schuyler (Colfax County Juvenile Services Program) (\$9,851)	\$9,851.00	\$9,851.00
06-CA-514	Sheridan County-Rushville (Community Service Supervisor) (\$5,877)	\$5,877.00	\$5,877.00
06-CA-515	Cass County-Plattsmouth (Cass County LB 1184 Group) (\$0)	\$30,910.60	\$22,079.00
06-CA-516	Thurston County-Pender (Thurston County Diversion) (\$8,198)	\$8,198.00	\$8,198.00
06-CA-517	Hamilton County-Aurora (After School Youth Program) (\$9,399)	\$9,399.00	\$9,399.00
06-CA-518	Howard County-St. Paul (Youth Explosion) (\$6,586)	\$6,586.00	\$6,586.00
06-CA-519	Platte County-Columbus (LB193 County Juvenile Services) (\$31,350)	\$31,350.00	\$31,350.00
06-CA-520	Richardson County-Falls City (4-County Mentoring Program) (\$22,265)	\$22,265.00	\$22,265.00
06-CA-521	Red Willow County-McCook (County Aid Funds) (\$9,996)	\$9,996.00	\$9,996.00
06-CA-522	Custer County-Broken Bow (Cty Aid Funds) (\$17,935)	\$17,935.00	\$17,935.00

06-CA-523	York County-York (Juvenile Services Comprehensive Plan) (\$13,664)	\$13,664.00	\$13,664.00
06-CA-524	Buffalo County-Kearney (Buffalo County Juvenile Diversion: Diversion Caseworker) (\$37,662)	\$37,662.00	\$37,662.00
06-CA-525	Cheyenne County-Sidney (Comprehensive Juvenile Justice Prevention Plan) (\$9,198)	\$9,198.00	\$9,198.00
06-CA-526	Scotts Bluff County-Gering (Scotts Bluff Co. Juvenile Probation Tracker) (\$32,196)	\$32,196.00	\$32,196.00
06-CA-527	Brown County-Ainsworth (Electronic Monitoring) (\$0)	\$3,321.00	\$3,321.00
06-CA-528	Dawes County-Chadron (Dawes County Juvenile Services) (\$8,222)	\$8,222.00	\$8,222.00
06-CA-529	Hall County-Grand Island (Juvenile Diversion Enhancement) (\$44,812)	\$44,812.00	\$44,812.00
06-CA-530	Madison County-Madison (Juvenile Services) (\$33,236)	\$33,236.00	\$33,236.00
06-CA-531	Seward County-Seward (Juvenile ATOD Prevention & Support) (\$15,639)	\$15,639.00	\$15,639.00
06-CA-532	Dakota County-Dakota City (Community Corrections) (\$18,799)	\$18,799.00	\$18,799.00
06-CA-533	Jefferson County-Fairbury (2006 Jefferson Co. Juvenile Services Aid) (\$6,933)	\$6,933.00	\$6,933.00
06-CA-534	Douglas County-Omaha (Douglas County) (\$383,048)	\$383,048.00	\$383,048.00
06-CA-535	Saline County-Wilber (Saline Co. Big Brothers Big Sisters Program) (\$12,446)	\$12,446.00	\$12,446.00
06-CA-536	Clay County-Clay Center (We CAN LB 640 Juvenile Services County Aid) (\$40,918)	\$40,920.00	\$40,918.00
06-CA-537	Fillmore County-Geneva (Juvenile Pretrial Diversion Program) (\$6,546)	\$6,546.00	\$6,546.00
06-CA-538	Thayer County-Hebron (Juvenile Pretrial Diversion Program) (\$5,006)	\$5,006.00	\$5,006.00
06-CA-539	Sarpy County-Papillion (Sarpy County Juvenile Drug Court) (\$113,089)	\$113,089.00	\$113,089.00
06-CA-540	Lancaster County-Lincoln (2006 State County Aid Juvenile Justice Grant) (\$190,686)	\$190,686.00	\$190,686.00
06-CA-541	Saunders County-Wahoo (Saunders County Juvenile Justice) (\$18,774)	\$18,774.00	\$18,774.00
06-CA-542	Cherry County-Valentine (Electronic Monitoring) (\$5,739)	\$5,739.00	\$5,739.00
06-CA-543	Cedar County-Hartington (Northeast NE Juvenile Services Program) (\$10,149)	\$10,149.00	\$10,149.00
06-CA-544	Dixon County-Ponca (Northeast NE Juvenile Services Program) (\$6,304)	\$6,304.00	\$6,304.00
06-CA-545	Wayne County-Wayne (Northeast NE Juvenile Services Program) (\$9,004)	\$9,004.00	\$9,004.00
06-CA-546	Merrick County-Central City (Merrick Co. Juvenile Services) (\$7,723)	\$7,723.00	\$7,723.00
06-CA-547	Frontier County-Curtis (Drug/Alcohol/Behavior Treatment Fund)	\$3,265.00	\$3,265.00
	<b>TOTAL</b>	<b>\$1,337,776.60</b>	<b>\$1,328,973.00</b>

*Voting in favor of the motion: Arnold, Brewster, Brueggemann, Headley, Houston, Pirsch, Riskowski, Tuma, Warren and White. Motion carried unanimously.*

**G. Award of 2006 BYRNE/JAG and STATE Funds - \$1,072,845.00 Local Projects; \$551,217.00 State Projects; and \$74,962.00 State Dollars for Cultural Diversity Training and Minority Recruitment for Omaha/Douglas County Only**

Nancy Steeves discussed an editorial that was in the Omaha World Herald regarding the Task Forces in Nebraska and the status of the Byrne dollars. Crime Commission members received a copy of the editorial.

Steeves stated that at the federal level, the House passed their appropriation for the Byrne/JAG grant program for approximately \$442 million. The Senate appropriation subcommittee has recommended \$555 million for the program.

In May, Steeves and Mike Behm met with Task Force members to facilitate the development of a funding sustainability plan. As a result of the meeting a Task Force Ad hoc Committee was established with representation from each Task Force. Steeves reported the Ad hoc Committee met in June to begin looking at what funding is available and at what funding needed at Federal, State and Local levels. At the federal level, the continuation and increase of the Byrne/JAG dollars was discussed. There was considerable discussion about continuing the State support through general funding and legislative efforts. At the local level, one of the biggest stumbling blocks is the lid. There will be another Task Force Ad hoc Committee meeting in August. Once the sustainability plan is completed it will be up to the Ad hoc Committee to implement and carry out the plan.

Steeves explained the state general funds available. During the last legislative session, Senator Mike Flood led the effort to obtain state general funds to assist the continued operation of nine local Task Forces. He and other senators were successful in obtaining an appropriation of \$423,000. However, one stipulation to the funding is that the Omaha/Douglas County Task Force cannot receive any of the funding for the operation of the Task Force. \$75,000 was set aside for Omaha/Douglas County for the specific purpose of providing cultural diversity training and minority recruitment. Two grants were received for this purpose, one from the city of Omaha and one from Douglas County. The Grant Review Committee felt that the Douglas County grant needed to be refocused and rewritten. Steeves met with representatives from Douglas County and worked with them on these issues. Douglas County resubmitted their written grant application that reflects the use of the grant funds to host cultural awareness training in conjunction with the city of Omaha and to enhance their minority recruitment efforts. Steeves recommended the Commission approve the awards as listed below.

***Motion***

***A motion was made by Brewster and seconded by Tuma to accept the Grant Review Committee's funding recommendations and contingency stipulations of award as outlined for the \$74,962.00 of state general appropriations for Cultural Diversity Training and Minority Recruitment for the City of Omaha and Douglas County as follows:***

<u>Number</u>	<u>Agency/Title/ Previous Award</u>	<u>Amount Requested</u>	<u>Staff Review Recommend</u>	<u>Grant Review Recommend</u>
06-DA-301	Douglas Co. S.O. (Minority Recruitment & Training Program) (\$0)	\$25,000.00	\$25,000.00	\$25,000.00
06-DA-308	Omaha – City of Omaha (Diversity Trng. & Minority Recruiting) (\$0)	\$49,962.00	\$49,962.00	\$49,962.00
	<b>TOTALS</b>	<b>\$74,962.00</b>	<b>\$74,962.00</b>	<b>\$74,962.00</b>

*Voting in favor of the motion: Arnold, Brewster, Brueggemann, Headley, Houston, Pirsch, Riskowski, Tuma, Warren and White. Motion carried unanimously.*

The significant reduction in Byrne dollars this year caused major reductions in existing programs. Steeves consulted with the Crime Commission Chief of Budget & Accounting, Bruce Ayers, to determine if any administration dollars could be used for the projects. As a result, an additional \$111,000 from two different years of funds was transferred from administration to the award side. 62.12% or \$68,953 of the funds must be used for local projects, and the remaining 37.88% or \$42,000 is to be used for state projects.

Steeves discussed the Byrne/JAG dollars for the state projects. Steeves reported three applications were received. The Attorney General's grant was recommended to be denied because they have sufficient funding from previous grants to carry them through 2007. The additional \$42,000 from the administrative funds was recommended to be awarded to the Nebraska State Patrol for continued operation of the Mid and Upper Level Enforcement (MULE) Task Force. The State Patrol submitted a 6 month grant. The additional money may add two months of funding for the project. Steeves recommended the Crime Commission approve the funding recommendations as listed below.

#### ***Motion***

*A motion was made by Riskowski and seconded by Warren to accept the Grant Review Committee's funding recommendations and contingency stipulations of award as outlined for the \$551,217.00 of State Projects as follows:*

<u>Number</u>	<u>Agency/Title/ Previous Award</u>	<u>Amount Requested</u>	<u>Staff Review Recommend</u>	<u>Grant Review Recommend</u>
06-DA-306	Lincoln – NE Atty General's Office (Drug & Violent Crime Unit) (\$100,687)	\$199,814.00	\$0	\$0
06-DA-310	Lincoln – NE Crime Commission (CJIS Support & Operation) (\$0)	\$51,627.00	\$45,493.00	\$45,493.00
06-DA-313	Lincoln – NE State Patrol (MULE Program XVII) (\$652,813)	\$509,170.00	\$463,677.00	\$505,724.00
	<b>TOTALS</b>	<b>\$760,611.00</b>	<b>\$509,170.00</b>	<b>\$551,217.00</b>

*Voting in favor of the motion: Arnold, Brewster, Brueggemann, Headley, Houston, Pirsch, Riskowski, Tuma, Warren and White. Motion carried unanimously.*



Steeves discussed the funding recommendations for local projects. The Grant Review Committee recommended that Grant # 06-DA-303 to the city of Seward for the RAP Task Force be awarded the amount they requested (\$91,300). Due to the reduction in funds available, all other grants were recommended by the Grant Review Committee to be reduced significantly from their original amount requested. However, with the additional dollars from the Commission's administration funds (\$68,953), several funding recommendations for local projects were increased from the original Grant Review Committee's recommendations. Steeves recommended the Crime Commission approve the funding recommendations as listed below.

### ***Motion***

***A motion was made by Arnold and seconded by White to accept the funding recommendations and contingency stipulations of award as outlined for the \$1,072,845.00 of local projects as follows:***

<u>Number</u>	<u>Agency/Title/ Previous Award</u>	<u>Amount Requested</u>	<u>Staff Review Recommend</u>	<u>Grant Review Recommend</u>
06-DA-300	Lincoln – Lincoln Police Dept. (Lincoln/Lancaster Co. Investigative Narcotics Coop.) (\$113,078)	\$382,129.58	\$117,669.00	\$128,672.00
06-DA-302	Fremont – City of Fremont (Ill Corps) (\$134,340)	\$146,864.00	\$138,000.00	\$140,130.00
06-DA-303	Seward – City of Seward (RAP) (\$91,300)	\$91,300.00	\$91,300.00	\$91,300.00
06-DA-304	No. Platte – No. Platte P.D. (C.O.D.E.) (\$136,000)	\$142,000.00	\$114,700.00	\$135,000.00
06-DA-305	Gering – Scotts Bluff County (WING) (\$229,546)	\$212,744.00	\$153,030.00	\$155,160.00
06-DA-307	Omaha – City of Omaha (Metropolitan Drug Task Force) (\$202,662)	\$211,868.00	\$158,193.00	\$185,193.00
06-DA-309	Norfolk – City of Norfolk (SNARE) (\$67,025)	\$94,342.50	\$72,000.00	\$74,130.00
06-DA-311	Minden – City of Minden (CANDO) (\$60,000)	\$105,135.00	\$64,000.00	\$66,130.00
06-DA-312	Beatrice – City of Beatrice (S.E.A.D.E.) (\$91,900)	\$116,983.00	\$95,000.00	\$97,130.00
	<b>TOTALS</b>	<b>\$1,503,366.08</b>	<b>\$1,003,892.00</b>	<b>\$1,072,845.00</b>

***Voting in favor of the motion: Arnold, Brewster, Brueggemann, Headley, Houston, Pirsch, Riskowski, Tuma, Warren and White. Motion carried unanimously.***

### **H. Award of 2006 Residential Substance Abuse Treatment Grants - \$62,606.00**

Steeves reported that in the past the Crime Commission has received approximately \$350,000 to \$380,000 for the Residential Substance Abuse Treatment (RSAT) grants. Funding for the RSAT program has continually been targeted for reduction at the federal level. The requirement for

RSAT is to provide residential treatment for incarcerated offenders in a totally separate area or building. The Department of Corrections (DCS) is currently the only facility who can meet this requirement. Treatment must last for at least 6 months with and include an after-care component. DCS submitted two proposals. The first is to continue the counselors at three of DCS facilities. The second grant addresses the after-care component. Steeves recommended approval of the funding as listed below.

• Grant # 06-RT-1000, Department of Corrections (continued in-house treatment)	Award: \$53,031.00
• Grant # 06-RT-1001, Department of Corrections (after-care component)	Award: <u>\$ 9,575.00</u>
<b>TOTAL</b>	<b>\$62,606.00</b>

*A motion was made by Arnold and seconded by Headley to accept the funding recommendation and contingency stipulations for the 2006 Residential Substance Abuse Treatment Grant Funds award of \$53,031.00 to the Department of Corrections, Grant #06-RT-1000 and of \$9,575.00 to the Department of Corrections, Grant #06-RT-1001 for a total of \$62,606.00. Voting in favor of the motion: Arnold, Brewster, Brueggemann, Headley, Pirsch, Riskowski, Tuma, Warren and White. Abstaining from the motion: Houston. Motion carried*

#### **I. Award of 2006 Project Safe Neighborhoods Grant Funds**

Steeves stated the Crime Commission serves as pass-through agency for the PSN grant. The PSN Advisory Board makes funding determinations. Steeves said the federal grant award for Anti-Gang efforts in the amount of \$192,645.00 has been received. However, the Commission has yet to receive the federal award for Anti-Gun Projects in the amount of \$40,825.00. Therefore, the funding recommendation for the Anti-Gun projects must be contingent upon receipt of the federal award.

#### ***Motion***

*A motion was made by Brueggemann and seconded by Arnold to accept the funding recommendation and contingency stipulations for the 2006 Project Safe Neighborhoods Grant Funds as follows:*

##### **1. 2006 Anti-Gang Project**

• Grant # 06-SN-8900, City of Omaha	Award: \$152,443.28
• Grant # 06-SN-8901, State Patrol	Award: \$ 11,880.00
• Grant # 06-SN-8902, Douglas County Attorney	Award: <u>\$ 28,321.72</u>
<b>TOTAL</b>	<b>\$192,645.00</b>

##### **2. 2006 Anti-Gun Project (Awards contingent upon receipt of Federal award)**

• Grant # 06-SN-8903, City of Lincoln	Award: \$35,437.20
• Grant # 06-SN-8904, Douglas County Attorney	Award: \$ 3,387.80
• Grant # 06-SN-8905, UNO	Award: <u>\$ 2,000.00</u>
<b>TOTAL</b>	<b>\$40,825.00</b>

*Voting in favor of the motion: Arnold, Brewster, Brueggemann, Headley, Houston, Pirsch, Riskowski, Tuma, Warren and White. Motion carried unanimously.*

## **J. Nebraska Law Enforcement Training Center Director Recommendation**

Chairman Bruning stated the next item on the agenda was to consider the recommendation of William J. Muldoon as the new Director of the Nebraska Law Enforcement Training Center.

Bruning stated Neb. Rev. Stat. 84-1410 provides that any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting.

Bruning reported that Mr. Muldoon did not request a closed meeting. The Crime Commission considered going into a closed session for the purpose of discussing the recommendations of William Muldoon as the new Director of the Nebraska Law Enforcement Training Center.

Bruning stated that members of the public would have an opportunity to speak in open session.

Bruning reviewed the rules for holding a closed session noting the vote to hold a closed session must be taken in open session. The reason for the closed session, who is to remain in the room, and time of the closed hearing must be part of the motion and recorded in the minutes. A closed session restricts its consideration of matters during the closed portion to only those purposed set forth in the minutes as the reason for the closed session. The meeting must be reconvened in open session before any formal action may be taken. The closed session is restricted only to consideration of matters set forth in the motion.

### ***Motion***

***A motion was made by Brewster and seconded by White to prevention needless injury to a person's reputation, it is hereby moved to have the Crime Commission enter into a closed session at 10:37 a.m. for a period of 20 minutes for the purpose of discussing consideration of approval of the new Law Enforcement Training Center Director, William J. Muldoon. The Crime Commission members, Executive Director, and staff are to remain in the room. Voting in favor of the motion: Arnold, Brewster, Brueggemann, Headley, Houston, Pirsch, Riskowski, Tuma, Warren, and White. Motion carried.***

Bruning asked that only Crime Commission members, the Executive Director, and secretarial Crime Commission staff remain in the room for the closed session which began at 10:37 a.m.

### ***Motion***

***A motion was made by Brueggemann and seconded by Arnold to return to open session at 11:10 a.m. Motion passed unanimously by acclamation.***

The public session of the Crime Commission resumed at 11:10 a.m.

### ***Motion***

***A motion was made by Brewster and seconded by White to approve the recommendation of William J. Muldoon to become the new Director of the Nebraska Law Enforcement Training Center. Voting in favor of***

*the motion: Arnold, Brewster, Brueggemann, Headley, Houston, Pirsch, Riskowski, Tuma, and White. Warren abstained. Motion carried.*

## **VII. OTHER BUSINESS**

### **A. Decertification of Law Enforcement Officers**

Behm reported he receives one to two requests for decertification per month. He said that impacts the Training Center's instructors since they are used as investigators. Charlie Lowe, with the Attorney General's Office, assists the Crime Commission with the decertification process along with his other duties. This impacts his caseload and responsibilities at the Attorney General's Office. Behm said he would like the decertification process established by Title 79 Rule 9 to be examined and to try to make the process more administrative.

Bruning asked if a legislative change is needed. He stated he would be happy to get that done. He also suggested that the Executive Director be granted more discretion in weeding out the complaints that are not reasonable.

Behm asked the Crime Commission to consider the time required to conduct an investigation. Bruning commented that if an Ad hoc Committee was formed, the Committee would have until November 1, 2006 to get a bill prepared for the 2007 Legislative session.

Discussion was held on putting policies and procedures in place.

### **B. Jail Standards initial training**

Brueggemann asked who would be conducting the Jail Standards initial training. Rick Barnica said the Training Center will continue to support all aspects of the training but does not foresee expanding beyond what it has been in the past.

## **VIII. ADJOURNMENT**

The next scheduled meeting of the Commission will be **Friday, October 27, 2006, at 9:30 a.m. in the Nebraska State Office Building, Lincoln, Lower Level, Conference Room A.**

There being no further business, the meeting adjourned at 11:31 a.m.

Respectfully Submitted,

Stephanie Vensky for  
Sarah J. Schoen  
Administrative Assistant